THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :18166 OF 2007

DATED:28-08-2007

BETWEEN:

Uppunuthala Suryamma

.....
PETITIONER

AND

The District Collector,
Khammam,
Khammam District and 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in not taking up the appeal filed by the petitioner on 31-07-2007 against the order of the 2nd respondent, dated 21-07-2007, in LTR.Case No.18/2007 and not passing any order, as illegal, and arbitrary.

3. It is the case of the petitioner that he is the owner and possessor of an extent of Ac.4.00 in Sy.No.578/21 and Ac.6.00 in Sy.No.578/22 total of which is Ac.10.00 situated at Sudhimalla village, Yellandu mandal, Khammam District. Whileso, the 2nd respondent-Agency Divisional Officer, Kothagudem based on the report filed by the Tahsildar initiated a case in LTR.Case No.18 of 2007/YLD and passed order, dated 21-07-2007, stating that the petitioner is in illegal possession of the said property and ordered ejectment of the petitioner and to restore possession of the said land in favour of the tribals. Aggrieved by the said order an appeal has been filed by the petitioner before the 1st respondent-Agent to the Government under Rule 8(1) of the A.P.Scheduled Areas Land Transfer Rules,1969. It is stated that the appellate authority has not passed any orders either in the appeal or in the said

application. Hence, the present Writ Petition.

4. Having regard to the facts and circumstances of the case, Writ Petition is disposed of directing the 1st respondent to consider and dispose of the main appeal itself as expeditiously as possible in accordance with law and pending disposal of the appeal petitioner shall not be dispossessed from the aforesaid lands in question. No order as to costs.

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V.ESWARAIAH,J

28th August, 2007.

Note:

Furnish C.C. of the order
within two days.

B/o

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